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SUBJECT: NCP AND SPLM SIGN ABYEI ACCORD

11. (SBU) SUMMARY. On the evening of June 8, with great fanfare before an assembled audience of media and diplomatic community representatives, President of the Government of National Unity (GoNU) Omar Bashir and First Vice President Salva Kiir announced the completion of a new road map agreement to settle the North-South dispute over the division of the oil rich territory of Abyei. While the accord shows progress and gives reason to hope that this flash-point in the Comprehensive Peace Agreement might finally be headed for a resolution, Sudan is the land of paper agreements that never quite get implemented. There is a long way to go before we see the end of this source of NCP-SPLM conflict. END SUMMARY

12. (SBU) Following the outbreak of heated fighting between Sudanese Armed Forces (SAF) and Southern People's Liberation Army (SPLA) units in Abyei in late May that ended with the burning and looting of the town and the displacement of more than 50,000 area residents, tensions have run high between the NCP and the SPLM over the issue of the demarcation of the border in this region. The CPA established the Abyei Border Commission (ABC) to finalize the North-South border, but its report was issued two years ago and the NCP has consistently refused to accept its findings, claiming that the ABC exceeded its mandate in awarding much of the territory to the SPLM. Meanwhile, the SPLM has maintained that the findings of the ABC are final, which has resulted the placement of SAF and SPLA forces perilously close to one another in the area.

13. (SBU) For the last two weeks NCP and SPLM negotiators have attempted to bridge the differences between the two sides, finally resulting in the agreement signed on the evening of June 8. The accord calls for, first, new security arrangements to establish within 10 days a new Joint Integrated Unit (JIU) of combined SAF and SPLM troops to maintain order in Abyei (allowing for the safe separation of SAF and SPLA units), the deployment of police within two weeks, free movement and access to the north and south of Abyei for UNMIS patrols, and an investigation into the causes of the conflict.

14. (SBU) Following the creation of a secure environment, targeted to take place by the end of June, the accord next calls for the safe return of all IDPs to their homes with the financial assistance of the GoNU and the international community.

15. (SBU) Step 3 calls for the establishment of an interim Abyei administration, with an Area Administrator nominated by the SPLM and to be approved by President Bashir. The Administrator's deputy is to be from the NCP, although both are to be chosen from among the residents of the area as originally called for in the CPA. The Chief Administrator and Deputy will, with the approval of President Bashir, appoint the heads of departments and members of the Abyei Area Council. Finally, without prejudice to the final demarcation of the Abyei border to be determined by arbitration, the oil revenue from the oilfields in the areas under arbitration are to be allocated in accordance with the wealth sharing arrangements noted

in the Abyei Protocol, and that 50% of GoNU and 25% of the GOSS revenues from the arbitration area will to be used to finance projects of benefit to the region.

16. (SBU) Finally, Step 4 of the accord calls for the establishment of an arbitration process to make a final and binding decision on the border demarcation, a decision to be rendered within six months from the date of the establishment of the arbitration process.

17. (SBU) Following a public reading of the agreement in both English and Arabic, First Vice President Kiir spoke, congratulating the NCP and SPLM on developing a roadmap for the full implementation of the Abyei Protocol. He lamented that it had taken 2 years and the tragedy of the recent fighting in Abyei town to reach this point, creating much needless suffering, but at least now a mechanism had finally been created to overcome the stalemate. Kiir outlined the potential benefits of the agreement, and reaffirmed the SPLM's commitment to the establishment of peace and democracy. "We will not go back to war," he stated firmly, "but we will be vigilant against the enemies of peace." A new spirit of trust had been established with this agreement, and although the conflict over Abyei had wasted much precious time, the way was now clear to move on demarking the whole of the North-South border and to start the process of preparing for elections in 2009. Finally, he condemned the recent attacks on Omdurman by the JEM, but he also called on the GoNU to protect the rights of all citizens and not to violate those rights based on ethnic origins, a clear reference to accusations that the GoNU has been arbitrarily arresting and abusing natives of Darfur in Khartoum.

18. (SBU) Last, President Bashir spoke, proclaiming that the toughest part of the implementation of the CPA had now been addressed. The

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Abyei Protocol was the key to the CPA, and this important agreement would again give hope to the people of Sudan. He briefly outlined the conditions of the new agreement, and affirmed the need for reconciliation, which would be greatly enhanced by the commitment of oil revenues by both sides to help rebuild the region. Abyei, he said, would change from a national problem to a national model of conflict resolution.

19. (SBU) Comment: We are a long way from an end to the Abyei conflict. On the good news side, this new agreement establishes oil revenue sharing for the eastern sector of Abyei that did not exist before but which was claimed by the SPLA, and we are seeing some flexibility on the part of the SPLM on the possibility of alternatives to the ABC report's border demarcation. On the possibly good side, the accord also creates the mechanism for establishing an administration in Abyei, for providing security for the IDPs, for UNMIS to have access to the entire region, and for the movement of IDPs back to their homes. All this, however, depends on both parties putting into operation what they have signed without attempting to stall or undermine the process by using loopholes to delay or subvert its implementation, as we have seen so often in the past with similar agreements. Finally, on the possible down side, we have the continued insistence by both parties on an arbitrated final settlement of the border. This has been tried before without success when the NCP did not find the ruling of the Abyei Border Commission to its liking and refused to accept the result. It would probably be better if the SPLM and NCP would just sit down and finally hammer out a political agreement that they both could live with. At the very least, the arbitration time lines established by the new accord means a settlement to Abyei will not be announced until January of 2009 at the very earliest, and UNMIS has highlighted to us that in order to have elections before 2010, voter registration must begin by January 2009. If the borders of Abyei are not settled or agreed upon by January 2009, it will be difficult to register voters in solidly-constructed constituencies. This arbitration scheme could well once again lead the NCP and SPLM in circles and only serve to delay the two sides doing the hard work of directly negotiating a final border demarcation that both can implement.

DATTA